

Exhibit 19

<p>1 I -- I -- I have read about what Sun did, but 02:40:13</p> <p>2 I'm -- in general, outside of the testimony at the</p> <p>3 first trial in which there was evidence of attempts</p> <p>4 to come to an agreement between Sun and Android,</p> <p>5 I'm not aware of what Sun was trying to do 02:40:30</p> <p>6 otherwise.</p> <p>7 Q. (By Ms. Hurst) All right. But -- but</p> <p>8 you are aware that they licensed SavaJE, and you</p> <p>9 are aware that Danger had SE in phones --</p> <p>10 MR. KAMBER: Objection to form. 02:40:47</p> <p>11 Q. (By Ms. Hurst) -- and if you accept my</p> <p>12 proffer, you will be aware that Nokia had a license</p> <p>13 for SE in phones.</p> <p>14 You are willing to accept that for</p> <p>15 purposes of this questioning? 02:40:57</p> <p>16 A. I accept that there was a license for</p> <p>17 some parts of SE. I don't know whether that was</p> <p>18 the entirety of SE. But I do understand and accept</p> <p>19 your proffer that some parts of SE were licensed</p> <p>20 for use in phones. 02:41:11</p> <p>21 Q. And isn't it -- isn't it reasonable,</p> <p>22 Dr. Astrachan, that if Sun was actually licensing</p> <p>23 SE for use in phones, and people were actually</p> <p>24 using SE in phones, that those are market</p> <p>25 indicators that there was at least a potential 02:41:31</p> <p style="text-align: right;">Page 146</p>	<p>1 THE DEPONENT: I think that you would get 02:43:10</p> <p>2 people to disagree and agree with that statement.</p> <p>3 The potential for a market is not something that</p> <p>4 I'm an expert on opining on. And in the particular</p> <p>5 hypothetical that you've -- and it's not exactly a 02:43:24</p> <p>6 hypothetical, I'm taking as truth what you are</p> <p>7 giving me -- that, to my mind, doesn't indicate</p> <p>8 that there's a market for Java SE. It indicates</p> <p>9 that Sun was willing to license SE in the three</p> <p>10 ways you have indicated. 02:43:42</p> <p>11 Q. (By Ms. Hurst) Well, what would you need</p> <p>12 to know to determine whether there was a potential</p> <p>13 market for SE in phones?</p> <p>14 MR. KAMBER: Objection to form.</p> <p>15 THE DEPONENT: This is a question from 02:44:05</p> <p>16 the 2006 time frame?</p> <p>17 Q. (By Ms. Hurst) No. At any time, what</p> <p>18 are the criteria. You've just told me now</p> <p>19 that's -- that doesn't indicate there's a market.</p> <p>20 I did ask you whether there was a 02:44:15</p> <p>21 potential market, so let's start there first, all</p> <p>22 right, not a then-existing market, but a potential</p> <p>23 market.</p> <p>24 Isn't it reasonable to conclude that,</p> <p>25 given that there were all these Sidekicks being 02:44:27</p> <p style="text-align: right;">Page 148</p>
<p>1 market for SE in phones? 02:41:39</p> <p>2 MR. KAMBER: Objection to form.</p> <p>3 THE DEPONENT: One, I have answered your</p> <p>4 questions about whether I am an expert in economic</p> <p>5 areas in the negative, that I'm not such an expert. 02:41:54</p> <p>6 So deciding on whether there is a potential market</p> <p>7 based on -- right now my understanding is the</p> <p>8 Sidekick, since I am not aware of any evidence that</p> <p>9 the SavaJE phone was produced in the market, nor am</p> <p>10 I aware of any Nokia running Java SE or a subset. 02:42:15</p> <p>11 So if the potential for market is based on the</p> <p>12 Sidekick, that's -- that seems a -- to my inexpert</p> <p>13 mind, a stretch.</p> <p>14 Q. (By Ms. Hurst) And that wasn't quite my</p> <p>15 question. So I'm asking you to assume it's true 02:42:32</p> <p>16 for purposes of my question that there was a</p> <p>17 Sidekick; that was there was SavaJE phone; that</p> <p>18 there was a Nokia license, that is, Nokia was</p> <p>19 willing to pay money to take a license to explore</p> <p>20 putting SE in phones. 02:42:53</p> <p>21 Don't you think that all those things</p> <p>22 added together make it reasonable to conclude that</p> <p>23 there was at least a potential market for Java SE</p> <p>24 in mobile phones?</p> <p>25 MR. KAMBER: Objection to form. 02:43:05</p> <p style="text-align: right;">Page 147</p>	<p>1 sold by T-Mobile, given the SavaJE phone, given the 02:44:30</p> <p>2 Nokia license, wasn't it reasonable to conclude</p> <p>3 that there was at least a potential market for</p> <p>4 Java SE in mobile phones?</p> <p>5 MR. KAMBER: Objection to form. 02:44:45</p> <p>6 THE DEPONENT: I think I have answered</p> <p>7 that question, that I could not make that</p> <p>8 conclusion that there was a potential market based</p> <p>9 on those three indicatives.</p> <p>10 Q. (By Ms. Hurst) All right. So what would 02:44:57</p> <p>11 it take --</p> <p>12 MR. KAMBER: Objection to form.</p> <p>13 Q. (By Ms. Hurst) -- for you to reach that</p> <p>14 conclusion; what additional facts, learning,</p> <p>15 knowledge tests of any -- of any sort, would you 02:45:04</p> <p>16 need to know in order to determine whether those</p> <p>17 three facts alone, in addition to whatever you want</p> <p>18 to add, are enough to conclude there was potential</p> <p>19 market?</p> <p>20 A. So -- 02:45:20</p> <p>21 MR. KAMBER: Objection to form.</p> <p>22 THE DEPONENT: In the broad -- to answer</p> <p>23 the broad question of what -- what would I need to</p> <p>24 know to believe that there was a potential market,</p> <p>25 if I talked to folks that were in the business of 02:45:30</p> <p style="text-align: right;">Page 149</p>

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1 creating such devices or understanding such 02:45:35	1 So I would not characterize what he did 02:47:45
2 markets, and they were credible because of work	2 as taking a chunk of Java SE and putting it on a
3 they had done in the past, and they all told me	3 phone. I'll rest on my previous statement for what
4 there is potential market here, then that would	4 I think is the case here.
5 lend some credibility to the fact that since they 02:45:52	5 Q. (By Ms. Hurst) Do you know Rich Miner? 02:48:08
6 saw a potential market and they had, let's say, a	6 A. I don't.
7 track record of success in the industry, that would	7 Q. Are you aware that Rich Miner was one of
8 be a good indication that there might be a	8 the co-founders of Android?
9 potential market.	9 A. My understanding is that there might be
10 Q. (By Ms. Hurst) Do you know who Andy 02:46:04	10 four co-founders and that he's one of them, but I 02:48:22
11 Rubin is?	11 don't really know him or the others. I know of
12 A. I do.	12 Andy Rubin.
13 Q. Who is Andy Rubin?	13 Q. Do you know whether Rich Miner ever had
14 A. My understanding is, Andy Rubin had a	14 any association of any kind with SavaJE?
15 role in both the Danger Sidekick and in Android. 02:46:10	15 A. I don't know that, no. 02:48:35
16 Q. And would you consider him to be a person	16 Q. Are you aware that Rich Miner evaluated
17 of the sort that you just described?	17 investment in SavaJE on behalf of the carrier
18 A. I think that's a reasonable conclusion.	18 Orange?
19 Yes, he would be such a person.	19 A. No, I am not aware of that.
20 Q. All right. So Andy Rubin's association 02:46:23	20 Q. So I would like you to assume that's 02:48:52
21 with Danger would give you comfort in evaluating	21 true, Dr. Astrachan, that Rich Miner, a co-founder
22 whether there was a potential market there for	22 of Android, led an investment in SavaJE, and that
23 SE in phones, right?	23 Andy Rubin, another co-founder of Android, was
24 MR. KAMBER: Objection to form.	24 actually part of Danger.
25 THE DEPONENT: Andy Rubin is an example 02:46:37	25 Now, if you take those two facts and you 02:49:17
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1 of the kind of person to -- with whom I could have 02:46:39	1 add them together with the fact that Danger had SE 02:49:20
2 a conversation. And if he indicated to me what he	2 running on phones, SavaJE had SE running on phones,
3 thought, that would be something that weighed on	3 and Nokia took a license for SE running on phones,
4 the side of me thinking that might be the case.	4 is that enough for you to conclude that there was a
5 Q. (By Ms. Hurst) Well, we know what he 02:46:49	5 potential market for SE in mobile phones? 02:49:36
6 thought, right, because we know what he did,	6 MR. KAMBER: Objection to form.
7 Dr. Astrachan, which was, take a chunk of SE and	7 THE DEPONENT: I -- I don't mean to harp
8 put it in a smartphone platform, right?	8 back on my answer, but I think my answer was, if I
9 MR. KAMBER: Objection to form.	9 spoke to these people and they indicated to me, in
10 THE DEPONENT: I -- I would not 02:47:00	10 a back-and-forth conversation in which they could 02:49:50
11 characterize as what he did, taking a chunk of SE	11 respond to my questions, that there was a market,
12 and putting it in a smartphone -- smartphone	12 then that would be an indication that there was.
13 platform. He did help create Android.	13 The facts that you have told me are
14 Q. (By Ms. Hurst) He took a chunk of the	14 similar to the ones that you mentioned before,
15 SE API, and he put it in the Android platform; 02:47:13	15 which are, there are mobile devices that had some 02:50:06
16 isn't that true?	16 versions of Java SE on them.
17 MR. KAMBER: Objection to form.	17 Does that mean that there is a market for
18 THE DEPONENT: I would not characterize	18 Java SE on a mobile phone; I'm -- as I said before,
19 what he did. What I -- as I understand, the case	19 I'm -- I'm not ready to make that conclusion.
20 here is about taking the declaring code, including 02:47:23	20 Q. (By Ms. Hurst) Well, given the facts 02:50:32
21 the structure, sequence, and organization of	21 that -- that I just asked you to assume, you
22 Java APIs; reimplementing those APIs so that they	22 certainly cannot refute that conclusion; isn't it
23 would perform better on a mobile device; and then	23 true?
24 including other parts of a full-stack mobile	24 MR. KAMBER: Objection to form.
25 operating system that made that feasible. 02:47:42	25 THE DEPONENT: I'm -- that -- that 02:50:45
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<p>1 statement is a little open. If -- I will try to 02:50:50</p> <p>2 answer a question of, is it possible that people</p> <p>3 believe so there's a market for Java SE on phones;</p> <p>4 yes, that's a possibility.</p> <p>5 Q. (By Ms. Hurst) Well, isn't it possible 02:51:01</p> <p>6 that there was, in fact, a potential market for SE</p> <p>7 on phones in the mid-2000s?</p> <p>8 MR. KAMBER: Objection to form.</p> <p>9 THE DEPONENT: I don't know that.</p> <p>10 Q. (By Ms. Hurst) Right. But you can't 02:51:10</p> <p>11 tell me that's untrue, can you?</p> <p>12 MR. KAMBER: Objection to form.</p> <p>13 THE DEPONENT: I can't tell you that</p> <p>14 there was a market, and I cannot tell you that</p> <p>15 there was not a market. I can tell you with 02:51:17</p> <p>16 reasonable confidence that there was not a</p> <p>17 widespread use of phones running Java SE in the</p> <p>18 mid-2000s.</p> <p>19 MS. HURST: Good time for a break.</p> <p>20 THE VIDEOGRAPHER: This marks the end of 02:51:37</p> <p>21 Media No. 3, in the deposition of the Dr. Owen</p> <p>22 Astrachan. We are going off the record at 2:51.</p> <p>23 (Recess taken.)</p> <p>24 THE VIDEOGRAPHER: We are back on the</p> <p>25 record at 3:18 p.m. This marks the beginning of 03:17:48</p> <p style="text-align: right;">Page 154</p>	<p>1 that are essentially so core and essential to the 03:19:28</p> <p>2 language, that they should also be freely</p> <p>3 available, since the language itself is, but I have</p> <p>4 not taken a position on the APIs themselves.</p> <p>5 In the current case, I understand that 03:19:46</p> <p>6 the Court has held that the APIs are, in fact,</p> <p>7 copyrighted and the question here is whether</p> <p>8 that's -- the use in Android is a fair use. So I</p> <p>9 accept that there is a copyright hold on that --</p> <p>10 "hold" is the wrong word -- and that the licensing 03:20:00</p> <p>11 would then depend on the copyright holder in terms</p> <p>12 of how they wanted to make those available.</p> <p>13 Q. (By Ms. Hurst) All right. And let's</p> <p>14 call -- for purposes of our discussion now, if it's</p> <p>15 all right with you, let's call those limitations, 03:20:13</p> <p>16 that you have just described that may be required</p> <p>17 by the language, technical constraints. Is that</p> <p>18 all right with you if we use that language?</p> <p>19 A. Okay.</p> <p>20 Q. In your opening report, did you do an 03:20:27</p> <p>21 analysis of technical constraints on the API that</p> <p>22 were imposed that the Java programming language?</p> <p>23 A. In my current report, I did not do a</p> <p>24 technical analysis of those technical constraints.</p> <p>25 Q. All right. And have you seen that 03:20:48</p> <p style="text-align: right;">Page 156</p>
<p>1 Media No. 4 in the deposition of 03:17:51</p> <p>2 Dr. Owen Astrachan.</p> <p>3 Q. (By Ms. Hurst) Dr. Astrachan, have you</p> <p>4 talked to any of the other experts who have offered</p> <p>5 reports in this case in connection with your work? 03:18:05</p> <p>6 A. No, I have not spoken with them.</p> <p>7 Q. Do you agree that the Java API and the</p> <p>8 Java language are not the same thing?</p> <p>9 A. Yes, I agree that they are not the same</p> <p>10 thing. 03:18:30</p> <p>11 Q. Do you agree that the Java API is not</p> <p>12 part of the grammar of the Java language?</p> <p>13 A. I think that's a fair statement, that the</p> <p>14 grammar is separate than the API.</p> <p>15 Q. Is it your view that the Java API must be 03:18:50</p> <p>16 made freely available on any terms simply because</p> <p>17 the language is freely available?</p> <p>18 MR. KAMBER: Objection to form.</p> <p>19 THE DEPONENT: I don't think I have taken</p> <p>20 a position on how the API should be made available. 03:19:07</p> <p>21 I do understand that the Java language is freely</p> <p>22 available to anyone, and I have taken a position</p> <p>23 that some parts of the API are required to do the</p> <p>24 language.</p> <p>25 So I think it's fair that those parts 03:19:26</p> <p style="text-align: right;">Page 155</p>	<p>1 there's a chart prepared by Dr. Reinhold that was 03:20:51</p> <p>2 included in Dr. Schmidt's rebuttal report that sets</p> <p>3 out a detailed technical analysis of any</p> <p>4 constraints imposed upon the Java API by the Java</p> <p>5 programming language? 03:21:09</p> <p>6 A. Yes, I have seen that.</p> <p>7 Q. And have you made any effort to duplicate</p> <p>8 or verify or otherwise analyze that chart?</p> <p>9 A. No, I have not tried to duplicate. I</p> <p>10 have looked at the chart. 03:21:22</p> <p>11 Q. And, as you sit here today, do you have</p> <p>12 any opinions on the accuracy of that chart?</p> <p>13 A. I think, from a technical perspective,</p> <p>14 that that chart represents what it says correctly.</p> <p>15 Q. And is -- do you have any reason to doubt 03:21:36</p> <p>16 that that chart is a complete statement of the</p> <p>17 technical constraints imposed upon the Java API by</p> <p>18 the programming language?</p> <p>19 MR. KAMBER: Objection to form.</p> <p>20 THE DEPONENT: I think that there's a 03:21:53</p> <p>21 spectrum on what those technical constraints would</p> <p>22 be. I know that the original trial Dr. Reinhold</p> <p>23 talked about 60-some-odd classes that were going to</p> <p>24 be required to implement the language and that</p> <p>25 others have taken a position that, well, there 03:22:09</p> <p style="text-align: right;">Page 157</p>

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